

1 AN ACT concerning conservation districts.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The Conservation District Act is amended by  
5 changing Sections 5 and 6 as follows:

6 (70 ILCS 410/5) (from Ch. 96 1/2, par. 7105)

7 Sec. 5. Board of trustees.

8 (a) The affairs of a conservation district shall be  
9 managed by a board consisting ~~which--shall--consist~~ of 5  
10 trustees, except as otherwise provided in this Section. If  
11 the boundaries of the district are coextensive with the  
12 boundaries of one county, the trustees shall be residents of  
13 that county. If the district embraces 2 counties, 3 trustees  
14 shall be residents of the county with the larger population  
15 and 2 trustees shall be residents of the other county. If the  
16 district embraces 3 counties, one trustee shall be a resident  
17 of the county with the smallest population and each of the  
18 other counties shall have 2 resident trustees. If the  
19 district embraces 4 counties, 2 trustees shall be residents  
20 of the county with the largest population and each of the  
21 other counties shall have one resident trustee. If the  
22 district embraces 5 counties, each county shall have one  
23 resident trustee.

24 (b) A district that is entirely within a county of under  
25 300,000 inhabitants and contiguous to a county of more than  
26 2,000,000 inhabitants and that is authorized by referendum as  
27 provided in subsection (d) of Section 15 to incur  
28 indebtedness over 0.575% but not to exceed 1.725% shall have  
29 a board consisting of 7 trustees, all of whom shall be  
30 residents of the county. The additional 2 trustees shall be  
31 appointed by the chairman of the county board, with the

1 consent of the county board, and shall hold office for terms  
2 expiring on June 30 as follows: one trustee after 4 years  
3 and one trustee after 5 years from the date of the  
4 referendum. Successor trustees shall be appointed in the  
5 same manner no later than June 1 before the commencement of  
6 the term of the trustee.

7 (c) Trustees shall be qualified voters of the such  
8 district who do not hold any other public office and are not  
9 officers of any political party. Trustees, if nominated by  
10 the county board chairman as hereinafter provided, shall be  
11 selected on the basis of their demonstrated interest in the  
12 purpose of conservation districts.

13 (d) If the trustees are appointed, the chairman of the  
14 county board for the county of which the trustee is a  
15 resident shall, with the consent of the county board of that  
16 county, appoint the first trustees who shall hold office for  
17 terms expiring on June 30 after one, 2, 3, 4, and 5 year  
18 periods respectively as determined and fixed by lot.  
19 Thereafter, successor appointed trustees shall be appointed  
20 for a term of 5-years in the same manner no later than June 1  
21 prior to the commencement of term of the trustee. If the term  
22 of office of any appointed trustee expires before the first  
23 election of trustees under subsection (i) after referendum  
24 approval of elected trustees, the chairman of the county  
25 board who appointed that trustee under this subsection shall  
26 appoint a successor to serve until a successor is elected and  
27 has qualified.

28 (e) When a vacancy occurs in the office of trustee,  
29 whether by death, resignation, refusal to qualify, no longer  
30 being a qualified voter of the district, or for any other  
31 reason, the board of trustees shall declare that a vacancy  
32 exists. The vacancy shall be filled within 60 days. Each  
33 successor-trustee-shall-serve--for--a--term--of--5--years. A  
34 vacancy occurring otherwise than by expiration of term, for

1 appointed trustees, shall be filled for the unexpired term by  
2 appointment of a trustee by the county board chairman of the  
3 county of which the trustee shall be a resident, with the  
4 approval of the county board of that county. An appointed A  
5 trustee who has served a full term of 5 years is ineligible  
6 to serve as a trustee for a period of one year following the  
7 expiration of his or her term. In the case of an elected  
8 trustee, appointment of an eligible person shall be by the  
9 president of the board of trustees with the advice and  
10 consent of the other trustees. The appointee shall serve the  
11 remainder of the unexpired term. If, however, more than 28  
12 months remain in the term of the elected trustee and the  
13 vacancy occurs at least 182 days before the next general  
14 election, the appointment shall be until the next general  
15 election, at which time the vacated office of the elected  
16 trustee shall be filled by election for the remainder of the  
17 term.

18 If a vacancy occurs in the office of president of the  
19 board of trustees, the remaining trustees shall select one of  
20 their number to serve as president for the balance of the  
21 unexpired term of the president in whose office the vacancy  
22 occurred.

23 When any trustee during his or her term of office shall  
24 cease to be a bona fide resident of the district, or shall  
25 move from one township or congressional township in the  
26 district to another so that the township residency  
27 requirements of this Section are no longer met, then he or  
28 she is disqualified as a trustee and the his office becomes  
29 vacant. If the district has decided to elect or appoint  
30 trustees from single member subdistricts under subsection  
31 (i), then when any trustee during his or her term of office  
32 shall cease to be a bona fide resident of the subdistrict he  
33 or she is disqualified as a trustee and the office becomes  
34 vacant.

1 (f) Trustees shall serve without compensation, but may  
2 be paid their actual and necessary expenses incurred in the  
3 performance of their official duties.

4 (g) An appointed A trustee may be removed for cause by  
5 the county board chairman for the county of which the trustee  
6 is a resident, with the approval of the county board of that  
7 county, but every such removal shall be by a written order  
8 and~~7~~-which shall be filed with the county clerk.

9 (h) A conservation district with 5 trustees may  
10 determine by majority vote of the board to increase the size  
11 of the board to 7 trustees. With respect to a 7-member  
12 board, no more than 3 members may be residents of any  
13 township in a county under township organization or of any  
14 congressional township in a county not under township  
15 organization. In the case of a 7-member board representing a  
16 district that embraces 2 counties, 4 trustees shall be  
17 residents of the county with the larger population and 3  
18 trustees shall be residents of the other county. If the  
19 district embraces 3 counties, 2 trustees shall be residents  
20 of each of the 2 counties with the smallest population and  
21 the largest county shall have 3 resident trustees. If the  
22 district embraces 4 counties, one trustee shall be a resident  
23 of the county with the smallest population and each of the  
24 other counties shall have 2 resident trustees. If the  
25 district embraces 5 counties, the 2 counties with the largest  
26 population shall each have 2 resident trustees and each of  
27 the other counties shall have one resident trustee. The  
28 pertinent appointing authorities shall appoint the additional  
29 2 trustees to initial terms as equally staggered as possible  
30 from the terms of the trustees already appointed from that  
31 township or county so that 2 trustees representing the same  
32 area shall not be succeeded in the same year.

33 (i) a conservation district may determine by referendum  
34 (i) to have an elected or appointed board of trustees, (ii)

1 to have a board of trustees with 5 or 7 members, and (iii) to  
2 have trustees chosen at large or from single-member  
3 subdistricts. A referendum may be placed on the ballot in  
4 the following manner:

5 (1) If the boundaries of the district are  
6 coextensive with the boundaries of a single county, the  
7 county board may determine by the ordinance to hold the  
8 referendum; or

9 (2) If the boundaries of the district are embraced  
10 by more than one county, then the county board of each  
11 county in the district, jointly, may determine by  
12 ordinance to hold the referendum; or

13 (3) A petition signed by not less than 5% of the  
14 electors of the entire district may be submitted to the  
15 board of trustees requiring the district to hold the  
16 referendum.

17 The secretary of the board of trustees shall certify the  
18 proposition to the appropriate election authorities who shall  
19 submit the proposition at a consolidated or general election  
20 according to the Election Code. The Election Code shall  
21 apply to and govern the election. The proposition shall be in  
22 substantially the following form:

23 Shall the (insert name) Conservation District have  
24 an (insert "elected" or "appointed") board of trustees  
25 with (insert "5" or "7") trustees chosen (insert "at  
26 large" or "from single member subdistricts")?

27 The votes shall be recorded as "Yes" or "No".

28 If a majority of the votes cast on the proposition are in  
29 the affirmative, the trustees of the district shall  
30 thereafter be chosen as provided in this paragraph. At the  
31 next consolidated election, a district that has decided by  
32 referendum to have its trustees elected rather than appointed  
33 shall elect 5 or 7 trustees as provided in the ordinance or  
34 petition and in the proposition. The trustees shall be

1 elected on a nonpartisan basis. The provisions of the general  
2 election law shall apply to and govern the nomination and  
3 election of the trustees.

4 (1) If the district has decided to elect or appoint  
5 at large trustees, then with respect to a 5-member board,  
6 the residency of members shall be the same as prescribed  
7 in subsection (a).

8 With respect to a 7-member board, no more than 3  
9 members may be residents of the same township in a county  
10 under township organization or of the same congressional  
11 township in a county not under township organization. In  
12 the case of a 7-member board representing a district that  
13 embraces 2 counties, 4 trustees shall be residents of the  
14 county with the larger population and 3 trustees shall be  
15 residents of the other county. If the district embraces  
16 3 counties, 2 trustees shall be residents of each of the  
17 2 counties with the smallest population and the largest  
18 county shall have 3 resident trustees. If the district  
19 embraces 4 counties, one trustee shall be a resident of  
20 the county with the smallest population and each of the  
21 other counties shall have 2 resident trustees. If the  
22 district embraces 5 counties, the 2 counties with the  
23 largest population shall each have 2 resident trustees  
24 and each of the other counties shall have one resident  
25 trustee.

26 (2) If the district has decided to elect or appoint  
27 trustees from single member subdistricts, then with  
28 respect to a 5-member board of a district embracing a  
29 single county, the county board shall apportion the  
30 district into 5 subdistricts. One trustee shall be a  
31 resident of and elected or appointed from each of the 5  
32 subdistricts. In the case of a 5-member board of a  
33 district embracing more than one county, the members of  
34 each county board shall, jointly, apportion the district

1 into 5 subdistricts. One trustee shall be a resident of  
2 and elected or appointed from each of the 5 subdistricts.  
3 The initial subdistricts shall be apportioned within 90  
4 days after the referendum is approved, and the  
5 subdistricts shall be reapportioned after each decennial  
6 census.

7 With respect to a 7-member board of a district  
8 embracing a single county, the county board shall  
9 apportion the district into 7 subdistricts. One trustee  
10 shall be a resident of and elected or appointed from each  
11 of the 7 subdistricts. In the case of a 7-member board  
12 of a district embracing more than one county, the members  
13 of each county board shall, jointly, apportion the  
14 district into 7 subdistricts. One trustee shall be a  
15 resident of and elected or appointed from each of the 7  
16 subdistricts. The initial subdistricts shall be  
17 apportioned within 90 days after the referendum is  
18 approved, and the subdistricts shall be reapportioned  
19 after each decennial census.

20 (j) When a conservation district determines to elect or  
21 appoint trustees as provided in subsection (i), the terms of  
22 these trustees shall commence on the first Monday of December  
23 following the election. The terms of all trustees previously  
24 appointed or elected under this Section shall expire on the  
25 first Monday of December following the first election.

26 (1) If the district has decided to elect or appoint  
27 at large trustees, then the initial elected board of  
28 trustees shall, no later than 45 days after taking  
29 office, divide themselves publicly by lot as equally as  
30 possible into 2 groups. Trustees or their successors  
31 from the larger group shall serve for terms of 4 years,  
32 the initial elected trustees from the second group shall  
33 serve for terms of 2 years, and their successors shall be  
34 elected for terms of 4 years.

1           (2) If the district has decided to elect or appoint  
2           trustees from single member subdistricts, then the  
3           members of the initial elected board of trustees and each  
4           subsequent board elected prior to the first decennial  
5           census following the initial apportionment shall be  
6           elected to a term of 2 years. In the year following the  
7           first decennial census occurring after the initial  
8           apportionment and in the year following each subsequent  
9           decennial census, the 5 or 7 subdistricts shall be  
10           reapportioned to reflect the results of the census. The  
11           board of trustees elected in the first election following  
12           a decennial census shall, no later than 45 days after  
13           taking office, divide themselves publicly by lot as  
14           equally as possible into 3 groups. Trustees or their  
15           successors from one group shall be elected to terms of 4  
16           years, 4 years, and 2 years. Trustees or their  
17           successors from the second group shall be elected to  
18           terms of 4 years, 2 years, and 4 years. The trustee or  
19           successors from the third group shall be elected to terms  
20           of 2 years, 4 years, and 4 years.

21           (Source: P.A. 90-195, eff. 7-24-97; 91-629, eff. 8-19-99.)

22           (70 ILCS 410/6) (from Ch. 96 1/2, par. 7106)

23           Sec. 6. Officers and employees. As soon as possible  
24           after the initial election or the initial appointments, as  
25           the case may be Within-60-days-after-their-selection, the  
26           trustees shall organize by selecting from their members a  
27           president, secretary, treasurer, and such other officers as  
28           are deemed necessary, who shall hold office for 2 years in  
29           the case of an elected board, or the fiscal year in which  
30           elected in the case of an appointed board, and until their  
31           successors are selected and qualify. Three trustees shall  
32           constitute a quorum of the board for the transaction of  
33           business if the district has 5 trustees. If the district has

1 7 trustees, 4 trustees shall constitute a quorum of the board  
2 for the transaction of business. The board shall hold  
3 regular monthly meetings. Special meetings may be called by  
4 the president and shall be called on the request of a  
5 majority of members, as may be required.

6 The board shall provide for the proper and safe keeping  
7 of its permanent records and for the recording of the  
8 corporate action of the district. It shall keep a proper  
9 system of accounts showing a true and accurate record of its  
10 receipts and disbursements, and it shall cause an annual  
11 audit to be made of its books, records, and accounts.

12 The records of the district shall be subject to public  
13 inspection at all reasonable hours and under such regulations  
14 as the board may prescribe.

15 The district shall annually make a full and complete  
16 report to the county board of each county within the district  
17 and to the Department of Natural Resources of its  
18 transactions and operations for the preceding year. The Such  
19 report shall contain a full statement of its receipts,  
20 disbursements, and the program of work for the period  
21 covered, and may include such recommendations as may be  
22 deemed advisable.

23 Executive or ministerial duties may be delegated to one  
24 or more trustees or to an authorized officer, employee,  
25 agent, attorney, or other representative of the district.

26 All officers and employees authorized to receive or  
27 retain the custody of money or to sign vouchers, checks,  
28 warrants, or evidences of indebtedness binding upon the  
29 district shall furnish surety bond for the faithful  
30 performance of their duties and the faithful accounting for  
31 all moneys that may come into their hands in an amount to be  
32 fixed and in a form to be approved by the board.

33 All contracts for supplies, material, or work involving  
34 an expenditure in excess of \$10,000 shall be let to the

1 lowest responsible bidder, after due advertisement, excepting  
2 work requiring personal confidence or necessary supplies  
3 under the control of monopolies, where competitive bidding is  
4 impossible. All contracts for supplies, material, or work  
5 shall be signed by the president of the board and by any such  
6 other officer as the board in its discretion may designate.

7 (Source: P.A. 89-445, eff. 2-7-96.)

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law.